



March 16, 2007

ENGROSSED SENATE BILL No. 347

DIGEST OF SB 347 (Updated March 13, 2007 11:59 am - DI 107)

Citations Affected: IC 31-31; IC 31-37; IC 33-33.

Synopsis: Marion County juvenile detention centers. Moves control of the Marion County juvenile detention centers from the Marion County juvenile judge to the executive committee of the Marion County judges. Makes conforming amendments. Provides that a probation officer may be present at a juvenile delinquency dispositional hearing under certain circumstances.

Effective: July 1, 2007.

Bray, Lubbers, Breaux
(HOUSE SPONSORS — PORTER, ELROD)

January 11, 2007, read first time and referred to Committee on Judiciary.
January 25, 2007, reported favorably — Do Pass.
January 29, 2007, read second time, ordered engrossed. Engrossed.
January 30, 2007, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Judiciary.
March 15, 2007, amended, reported — Do Pass.

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ES 347—LS 7424/DI 107+



March 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 347

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-31-9-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 1.5. As used in this chapter, "executive committee"**
4 **means the executive committee elected under IC 33-33-49-14.**
5 SECTION 2. IC 31-31-9-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The ~~juvenile court~~
7 **executive committee** shall operate and maintain all juvenile detention
8 centers located within the county.
9 SECTION 3. IC 31-31-9-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The ~~juvenile court~~
11 ~~judge~~, **executive committee**, after soliciting the views of the advisory
12 board described in section 8 of this chapter, shall establish criteria for
13 admission to the juvenile detention center. The power to order
14 admission to the center remains with the court.
15 SECTION 4. IC 31-31-9-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~juvenile court~~
17 ~~judge~~ **executive committee** shall appoint a superintendent of juvenile

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1 detention centers located in the county. The superintendent serves at
 2 the pleasure of the ~~judge~~ **executive committee**.

3 SECTION 5. IC 31-31-9-6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Under the direction
 5 of the ~~juvenile court judge~~, **executive committee**, the superintendent
 6 shall do the following:

7 (1) Supervise the operations of the juvenile detention centers so
 8 as to provide sound physical care in compliance with state,
 9 county, and other health requirements.

10 (2) Coordinate a program of constructive activities.

11 (3) Administer sound, fair, and impartial employment practices.

12 (4) Supervise employees of the juvenile detention center.

13 (5) Promote good public relations within the community.

14 (6) Make necessary written reports to the juvenile court judge **and**
 15 **the executive committee** regarding transfers, escapes, or
 16 destruction of center property.

17 (7) Make an annual inspection of the juvenile detention center
 18 and report in writing to the juvenile court judge **and the**
 19 **executive committee** any noncompliance with standards
 20 established by the commission on accreditation for corrections.

21 (8) Perform all other duties assigned by the ~~juvenile court judge~~.
 22 **executive committee**.

23 SECTION 6. IC 31-31-9-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The juvenile
 25 detention center advisory board shall:

26 (1) review the operations of juvenile detention centers located
 27 within the county; and

28 (2) advise the **executive committee and the** juvenile court judge
 29 on matters relating to the detention of juveniles in the county.

30 (b) The advisory board may adopt rules and bylaws for the
 31 management and regulation of the advisory board's affairs, and may do
 32 all things necessary and convenient to carry out this chapter.

33 SECTION 7. IC 31-31-9-8 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The advisory
 35 board consists of the following seven (7) members:

36 (1) Two (2) members, appointed by the ~~juvenile court judge~~,
 37 **executive committee**, who are not members of the same political
 38 party.

39 (2) Two (2) members, appointed by the mayor of the consolidated
 40 city, who are not members of the same political party.

41 (3) Three (3) members, appointed by the council, not more than
 42 two (2) of whom may be members of the same political party.

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(b) Members of the advisory board must be residents of the county who have demonstrated an interest in and knowledge of the juvenile justice system.

SECTION 8. IC 31-31-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The ~~juvenile court judge~~ **executive committee** shall annually prepare the detention center budget and forward the budget to the county fiscal officer in accordance with IC 36-3-6-4.

SECTION 9. IC 31-37-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) At a dispositional hearing under this chapter, the person that prepared the predispositional report **or a probation officer described in subsection (b):**

- (1) must be present; and
- (2) must present testimony when requested to explain how the individuals participating in the conference described in IC 31-37-17:
 - (A) examined the available options; and
 - (B) recommended the options that most closely coincide with the guidelines provided in IC 31-37-17-4.

(b) A probation officer other than the person who prepared the predispositional report may satisfy the requirements of subsection (a) if the probation officer has knowledge of:

- (1) a conference held under IC 31-37-17-1.1; and**
- (2) the report and recommendations made under IC 31-37-17-1.**

SECTION 10. IC 33-33-49-14, AS AMENDED BY P.L.80-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. **The executive committee shall operate and maintain the juvenile detention facilities in the county.** A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in

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1 subsection (b), any or all of the members elected to the executive
 2 committee may be reelected. Of the four (4) judges elected to the
 3 executive committee, not more than two (2) may be members of the
 4 same political party.

5 (b) One (1) of the four (4) judges elected to the executive committee
 6 shall be elected as presiding judge, and three (3) of the four (4) judges
 7 elected to the executive committee shall be elected as associate
 8 presiding judges. Beginning with the election of the executive
 9 committee in 2007, a presiding judge may not be elected from the same
 10 political party as the presiding judge who served the previous term.
 11 Each judge who is a member of the executive committee has an equal
 12 vote in all matters pertaining to the business of the court when an
 13 action requires a majority vote. If a tie vote occurs, the presiding judge
 14 shall cast the tiebreaking vote. Any action taken by the executive
 15 committee may be overruled by a vote of two-thirds (2/3) of all the
 16 judges sitting at the time the vote is taken. The physical reassignment
 17 of a judge to a different courtroom requires a unanimous vote of the
 18 executive committee. The executive committee shall assign cases,
 19 offices, and courtrooms for trial judges or reassignment of newly filed
 20 cases in the interests of the speedy, economical, and uniform
 21 disposition of cases. All matters of trial dates, continuances, and
 22 subpoenas used for trial shall be determined by the trial judge in
 23 accordance with rules of the superior court. The executive committee
 24 shall perform other duties as determined by rules of the court.

25 (c) The court shall, by rules of the court, divide the work of the court
 26 into various divisions, including but not limited to the following:

- 27 (1) Civil.
- 28 (2) Criminal.
- 29 (3) Probate.
- 30 (4) Juvenile.

31 (d) The work of each division shall be allocated by the rules of the
 32 court.

33 (e) The judges shall be assigned to various divisions or rooms as
 34 provided by rules of the court. Whenever possible, an incumbent judge
 35 shall be allowed the option of remaining in a particular room or
 36 division. Whenever any action of the court is required, the judges of the
 37 court shall act in concert, by a vote under section 11 of this chapter.
 38 The court shall keep appropriate records of rules, orders, and
 39 assignments of the court.

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SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 347.

BRAY

SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Senate Bill 347.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 347 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "may be present at a hearing described in"

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and insert "**other than the person who prepared the predispositional report may satisfy the requirements of**".

and when so amended that said bill do pass.

(Reference is to SB 347 as printed January 26, 2007.)

VAN HAAFTEN, Chair

Committee Vote: yeas 10, nays 0.

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